

REMARKS

Claims 1-2 are pending. The Office Action rejects claim 1 under 35 U.S.C. §103(a) over Wexler (U.S. Patent No. 5,960,409) in view of Kohda (U.S. Patent No. 7,136,853) and objects to claim 2 as dependent on a rejected base claim. These rejections are respectfully traversed.

The invention defined by the present claims was reduced to actual practice prior to at least April 26, 1996. This date is established by the declarations under 37 C.F.R. §1.131 submitted by the named inventors of the present application in U.S. App. No. 10/254,923, and in U.S. Reissue App. No. 09/577,798, which is a reissue of U.S. Patent No. 5,948,061 (originally U.S. App. No. 08/738,634). The present application claims priority to both the '923 application and the '634 application. Copies of these declarations are provided for the Examiner's convenience. Applicants respectfully note that the establishment of conception and due diligence is not required for inventors swearing behind a date established by an actual reduction to practice.

Claim 1 was rejected under §103 as obvious over Wexler in view of Kohda. Wexler was filed on October 11, 1996; Kohda was filed on September 6, 1996. Thus, neither reference was filed prior to invention of the claimed subject matter by Applicants. The cited references are not prior art to the present application, and withdrawal of the rejections is respectfully requested.

Based on the above remarks, Applicants believe the claims are in condition for allowance. The Commissioner is authorized to charge any fees or credit any overpayment to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Respectfully submitted,

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